

1700 G Street NW,
Washington, DC 20552

May 21, 2019

Via ECF

The Honorable Thomas I. Vanaskie, Special Master
U.S. District Court, Middle District of Pennsylvania
William J. Nealon Federal Bldg. & U.S. Courthouse
235 N. Washington Avenue
Scranton, PA 18503



Re: *CFPB v. Navient Corp., et al.*, Case No. 3:17-CV-00101-RDM

Dear Judge Vanaskie:

The Bureau submits this letter in response to Special Master Report #9 (“Report #9”), which directs the Bureau to: (1) identify by Supplemental Privilege Log number and Bates Number from Category 75 one complete email thread with the subject line, “Call on JSOP,” one complete email thread with the subject line, “UPDATE: Reconciled ED-TREAS-CFPB Joint Statement on SLS,” and one complete email thread with the subject line, “Final Joint Statement of Principles on Student Loan Servicing”; and (2) inform Your Honor whether Document 208 on the Bureau’s February 15, 2019 Supplemental Privilege Log (CFPB-NAV-0057313) is a draft of remarks given by former Director Cordray regarding the Runcie Memorandum or a verbatim recitation.

1. Category 75 emails

With respect to each of the three subject lines identified in Report #9, there is no single document that contains all of the individual emails with that subject line. All of the email strings in Category 75 are part of the same thread that originates from a common individual email. Starting from that common individual email, the thread breaks off into multiple branches, each of which in turn breaks off into multiple subbranches. Some of those subbranches then break off into additional subbranches. Thus, there are many distinct pathways, each with a unique individual email as its endpoint. For example, Document Nos. 185 (CFPB-NAV-0057344) and 187 (CFPB-NAV-0057345) are email strings that share 9 individual emails in common, with only the most recent individual email differing between the two strings. Because the most recent individual email is distinct in each of the two strings, and they both have “UPDATE: Reconciled ED-TREAS-CFPB Joint Statement on SLS” as their subject line, there is no single document that captures both of those emails.¹

Nonetheless, in Tables 1-3 below, the Bureau has identified the inclusive email strings in Category 75 that reflect a unique pathway in the thread. That is, each of these email strings contains at least one individual email that is not reflected in any of the other email strings listed below. Further, all other email strings in Category 75 (i.e., those not listed below) are fully subsumed in one or more of the email strings below. The Bureau has grouped these email strings by subject line.

¹ There are many other examples. For example, Document Nos. 197 (CFPB-NAV-0057355) and 235 (CFPB-NAV-0057425) share 11 individual emails in common, but diverge after the email sent at 4:58 pm on September 9, 2015. The unique individual emails all have “Call on JSOP” as their subject line.

Every individual email with the subject line “UPDATE: Reconciled ED-TREAS-CFPB Joint Statement on SLS” is included in at least one of the documents listed in Table 1. Every individual email with the subject line “Call on JSOP” is included in at least one of the documents listed in Table 2. Every individual email with the subject line “Final Joint Statement of Principles on Student Loan Servicing” is included in at least one of the documents listed in Table 3.

Table 1: Set of email strings containing all individual emails with subject line “UPDATE: Reconciled ED-TREAS-CFPB Joint Statement on SLS”

Document No. on Bureau’s 2/15/19 Supp. Log	Bates number
105	CFPB-NAV-0057170
106	CFPB-NAV-0057171
108	CFPB-NAV-0057173
136	CFPB-NAV-0057257
182	CFPB-NAV-0057340
185	CFPB-NAV-0057344
187	CFPB-NAV-0057345
189	CFPB-NAV-0057347
228	CFPB-NAV-0057418
229	CFPB-NAV-0057419
233	CFPB-NAV-0057423
246	CFPB-NAV-0057441
252	CFPB-NAV-0057447

Table 2: Set of email strings containing all individual emails with subject line “Call on JSOP”

Document No. on Bureau’s 2/15/19 Supp. Log	Bates number
155	CFPB-NAV-0057276
159	CFPB-NAV-0057280
167	CFPB-NAV-0057292
191	CFPB-NAV-0057349
200	CFPB-NAV-0057358
203	CFPB-NAV-0057361
207	CFPB-NAV-0057365
209	CFPB-NAV-0057367
235	CFPB-NAV-0057425

237	CFPB-NAV-0057427
240	CFPB-NAV-0057431
241	CFPB-NAV-0057432
261	CFPB-NAV-0057456
263	CFPB-NAV-0057458
267	CFPB-NAV-0057462
197	CFPB-NAV-0057355

Table 3: Set of email strings containing all individual emails with subject line “Final Joint Statement of Principles on Student Loan Servicing”

Document No. on Bureau’s 2/15/19 Supp. Log	Bates number
214	CFPB-NAV-0057377
219	CFPB-NAV-0057392
220	CFPB-NAV-0057393

In addition, for each of the three subject lines, the Bureau has identified the set of documents that, across the set, includes at least one instance of every *redacted* individual email with that subject line.

Table 4: Set of email strings containing all redacted individual emails with each subject line

Subject Line	Documents²
“UPDATE: Reconciled ED-TREAS-CFPB Joint Statement on SLS”	105 (CFPB-NAV-0057170) 108 (CFPB-NAV-0057173) 228 (CFPB-NAV-0057418) 233 (CFPB-NAV-0057423) 252 (CFPB-NAV-0057447)
“Call on JSOP”	197 (CFPB-NAV-0057355) 207 (CFPB-NAV-0057365) 235 (CFPB-NAV-0057425) 237 (CFPB-NAV-0057427) 240 (CFPB-NAV-0057431) 241 (CFPB-NAV-0057432) 261 (CFPB-NAV-0057456) 263 (CFPB-NAV-0057458)

² The numbers in this column refer to the document number and corresponding bates number on the Bureau’s February 15, 2019 supplemental privilege log.

“Final Joint Statement of Principles on Student Loan Servicing”	220 (CFPB-NAV-0057393)
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2. Draft Cordray Remarks

Document 208 on the Bureau’s February 15, 2019 Supplemental Privilege Log (CFPB-NAV-0057313) is a draft of remarks given by former Director Cordray regarding the Runcie Memorandum. The final version, which is different than the draft, is publicly available at the following web address: <https://www.consumerfinance.gov/about-us/newsroom/prepared-remarks-cfpb-director-richard-cordray-student-loan-servicing-press-call/>.

If Your Honor has any questions regarding the foregoing, the Bureau would welcome the opportunity to address those questions at a forthcoming teleconference or in writing.

Respectfully submitted,
/s/ Nick Jabbour